

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Improving Public Safety Communications in the)	
800 MHz Band)	
)	
Consolidating the 900 MHz Industrial/Land)	WT Docket No. 02-55
Transportation and Business Pool Channels)	
)	
To: The Commission		

**COMMENTS OF THE CITY OF FORT LAUDERDALE
REGARDING THE "CONSENSUS PLAN"**

The City of Fort Lauderdale hereby submits the following comments regarding the "Consensus Plan" submitted in response to the Commission's (*"NPRM"*), FCC 02-81 (released March 15, 2002), in the above-captioned proceeding. Fort Lauderdale operates a three site simulcast radio system in the NPSPAC spectrum. It utilizes 26 channels and provides public safety and local government for four municipalities in Broward County Florida. The radio system serves more than 300,000 residents and more than 1,000,000 visitors.

Introduction

In November, 2001 Nextel Communications, Inc. provided the Commission a "White Paper" that was directed at resolving the issues of interference to public safety communications caused by the CMRS and Nextel, specifically. As a result of this white paper the FCC issued a notice of proposed rulemaking and now, as a result of the diverse comments submitted in response to that NPRM, a consensus plan has been developed by seventeen public safety, utilities and commercial communications provider organizations, representing 80% of the 800 MHz spectrum users.

At this point in time the Commission is requesting that the communications community comment on the submitted "Consensus Plan" now before us.

This plan attempts to resolve the issues raised in the various comments previously submitted to the Commission. At the same time it attempts to address the interests of all of the parties concerned. Public safety, in general has been looking to resolve two issues. First, and most significantly is to eliminate the serious degradation of public safety communications in the 800 MHz spectrum area caused by other users of the same spectrum. The second issue is the ongoing issues of obtaining more radio spectrum to reduce the congestion currently stifling the growth of effective public safety radio communications.

Discussion

The City of Fort Lauderdale does not support the Consensus Plan. While the Consensus Plan addresses both of the critical items, interference and additional spectrum, it does not address or resolve all of the problems that will be inherent in the proposed frequency changes. We do not believe it will solve all of the problems created by so many incumbent spectrum users with different interests. The Consensus Plan does consider the fact that, unlike the original counter proposals of the PWC (Public Wireless Coalition) and other vocal commercial radio industry interests, the 700MHz spectrum is not a viable alternative for public safety at this time.

Perhaps another broad change in spectrum policy can be considered in the future when the availability of 700 MHz is a reality, when the TV industry has accepted the mandated changes in spectrum and when practical 700 MHz radio equipment, suitable for public safety use, is available.

The Consensus Plan recommends that the 800 MHz band be reconfigured to place “like” users together, thereby dedicating spectrum to both public safety and commercial users. We agree that this spectrum relocation will greatly reduce the potentials for interference between disparate users of the spectrum. The separation of cellular-like and non-cellular operation will reduce the problems caused by technical issues of equipment selectivity, increased noise floors and adjacent channel problems typically encountered in traditional noise-limited radio systems.

At the same time the Plan recommends that the block of spectrum available for non-cellular users be further split into two blocks, one for public safety and one for commercial use. Additionally, it is proposed that a two MHz guard band be established to further isolate the cellular and non-cellular users. The Plan also makes provisions that these portions of the spectrum will be reserved only for a limited number of years.

We do not believe that current interference problems will be eliminated by the Consensus Plan. The separation of cellular-like systems such as Nextel from the dispatch operations of public safety will reduce the impact of the problems caused by the multiple transmitter, digital signaling used by cellular type operators. Moving these signals several MHz up in the spectrum will reduce the levels of interference at the lower end of the band but will not eliminate them. The use of a guard band between the cellular and non-cellular will further assist in reducing the effects of cellular operators.

We believe that the proposed guard band spectrum must be protected for a number of years to further minimize encroachment of commercial users into the public safety spectrum. Given the fact that spectrum is required by all users, this guard band should be administered by the Regional Planning Committees with local approval required when any non-public safety communications service applies for the use of this portion of the spectrum.

The Consensus Plan recommends that the guard band be used for “campus-like” systems and offers the same definition of “campus systems” as those operating within a five mile radius and meeting other height and ERP limitations. This definition must be further

refined and eligibility better defined since some campus type systems operate over wider areas than some public safety agencies. For example, there are many police, fire and medical users operating in municipalities that are smaller than nearby “campus” environments of industry or other commercial development.

The Consensus Plan provides for relocation of existing NPSPAC radio systems to lower 800 MHz spectrum by “mapping down” these frequencies. It seems that this can create problems with existing 814-816/859-861 MHz systems that may wish to move away from the nearby cellular environment. While the previous NPSPAC licensees will have the local RPC to assist in relocation these other public safety entities will have no one to coordinate their moves and the potentials for both geographic and RF interferences among similar users will increase.

The Plan makes provisions for available spectrum in the Nextel vacated channels to be reserved for only five years. If there are still channels available in this spectrum after five years it can be licensed by both B/ILT and SMR users. This may create the same type of interleaving problem that exists today. If the Commission is to adopt a process such as this it must use the RPC’s to allocate these frequencies in perpetuity and not just reserve them for five years.

The Consensus Plan provides for implementation coordination to be performed by Nextel, the LMCC and the RPC’s. This concept appears to insure that all users of the spectrum will be considered. There is one significant flaw in this process. While Nextel and the frequency coordinators are commercially funded operations the RPC’s are virtually all volunteer organizations **WITH NO BUDGETS.** Consideration must be given to having Nextel and the members of the LMCC provide funding for the RPC representatives that attend any of the coordination meetings.

Funding the Consensus Plan is critical to its success. Nextel has pledged up to \$500 million. Virtually every respondent to this issue has agreed that this is not enough. It appears that most agree that the cost of this plan will be from \$1.5 to \$3 billion. Before any action can take place the Commission must guarantee that the necessary funding is in place. The Consensus Plan does not make any provision for, or even a suggestion as to where, additional funding may be secured.

The costs of relocating is not just the cost of labor for retuning. It includes the cost of changing combiners, antennas, filters and multicouplers. While most equipment can be tuned to different portions of the 800 MHz spectrum there may be current users with older equipment that cannot change frequency segments without incurring major “upgrade” costs to their transmitters and receivers. During the transitional period when systems are being moved, how will the users maintain the operation of their equipment? In a public safety environment there can be no down time. Critical services such as police, fire and medical services cannot be interrupted. This may mean that additional equipment may need to be purchased so that “hot” switchovers can occur when changing frequencies.

The Plan states that, “No retuning for a Region will occur unless funding is available. If Nextel is the sole funding source and the \$500 million is exhausted before completion ...

Nextel has complete discretion as to whether to provide additional funding. This approach creates incentives for both public safety and Nextel to continue to seek additional funding.” This paragraph is completely unacceptable as a statement of FCC policy. The basic concept of the frequency relocation is that there will be no cost to public safety. By allowing Nextel to partially fund the process as many as two thirds of the existing NPSPAC radio systems will not be able to relocate. (Based on a “real” cost of \$1.5 billion and Nextel paying only \$500 million). Public safety should not be required to participate in the funding acquisition process.

Conclusion

The Commission desires to achieve three main goals with the NPRM. These are to eliminate interference, provide minimal disruption to existing services and to provide sufficient spectrum for public safety. While the Consensus Plan addresses all of these issues it does fall short in resolving them. Perhaps at the end of this comment period there will be some other alternatives provided by the communications community that, along with the Consensus Plan, will result in viable solutions to the problems.

The Consensus Plan still fails to define how funding will be provided, how relocation will be coordinated and to what degree interference will be eliminated or reduced. Although the Plan will provide additional spectrum its use is not defined to the degree that public safety can be assured that the past will not be repeated at some time in the future when the frequency reserves are removed. Nor does it define how non-cellular but digital systems, in campus environments, or as multiple transmitter sites will react when adjacent to analog radio systems.

The efforts put forth by the coalition of all of the communications industry associations and providers toward this Consensus Plan has demonstrated that there are acceptable alternative solutions available. It may take another comment period to further refine the Plan to make it more universally acceptable.

Respectfully Submitted

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